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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 JOSHUA KUYAAS,

11 Plaintiff,

12 vs.

13 CORRECTIONAL MEDICAL
14 SERVICES, *et al.*,

15 Defendants.
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) 2:09-cv-01033-PMP-LRL
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17 **ORDER**

18 On August 6, 2009, the state attorney general filed a notice of non-acceptance of service
19 as to the defendant Correctional Medical Services (docket #4). Plaintiff has failed to file a motion
20 pursuant to Rule 4(m) of the Federal Rules of Civil Procedure identifying the unserved defendant and
21 requesting issuance of summons, or taken any action whatsoever. Accordingly, this action is dismissed
22 without prejudice for failure to prosecute. If plaintiff wishes to pursue his claims, he shall file a new
23 action with a new application to proceed *in forma pauperis* and a new case number.

24 **IT IS THEREFORE ORDERED** that this action is **DISMISSED without prejudice.**
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1 **IT IS FURTHER ORDERED** that the Clerk shall **ENTER JUDGMENT** accordingly
2 and close this case.

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5 DATED this 18th day of March, 2011.

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UNITED STATES DISTRICT JUDGE